

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

CINDY HALABURDA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

BAUER PUBLISHING CO., LP, a Delaware
partnership,

Defendant.

Case No. 1:12-cv-12831-TLL-CEB

**STIPULATION TO WITHDRAW
PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

[Hon. Thomas L. Ludington]

This Stipulation is entered into by and among Plaintiff Cindy Halaburda ("Plaintiff") and Defendant Bauer Publishing Co., LP ("Defendant"), by and through their respective counsel.

WHEREAS, former party-plaintiff Deborah Kinder filed her Class Action Complaint in this case on June 27, 2012. (Dkt. No. 1);

WHEREAS, at the time Ms. Kinder filed her Complaint, she also filed a motion for class certification requesting, among other things, that the Court reserve ruling on the issue of class certification until after the Parties have had a sufficient opportunity to commence and complete discovery related to requirements of Fed. R. Civ. P. 23 for maintaining this action as a class action. (Dkt. No. 2);

WHEREAS, on August 23, 2012, Plaintiff Halaburda filed an Amended Complaint which, among other things, substituted her into this action as a party-plaintiff in the place of Ms. Kinder. (Dkt. No. 9);

WHEREAS, at the time she filed her Amended Complaint, Plaintiff Halaburda also filed a motion for class certification requesting, among other things, that the Court reserve ruling on the issue of class certification until after the Parties have had a sufficient opportunity to commence and complete discovery related to requirements of Fed. R. Civ. P. 23 for maintaining

this action as a class action. (Dkt. No. 10);

WHEREAS, hearing on Plaintiff Halaburda's Motion for Class Certification is set for November 14, 2012 at 2:00 p.m. (Dkt. No. 13);

WHEREAS, Plaintiff Halaburda conferred with Defendant and agreed to withdraw her pending Motion for Class Certification;

WHEREAS, the Parties respectfully request that the Court vacate the November 14, 2012 hearing as it is no longer necessary; and

WHEREAS, for the sake of completeness, and given that Ms. Kinder is no longer a party to this action, the Motion for Class Certification that she filed on June 27, 2012 (Dkt. No. 2) should also be withdrawn and/or stricken as moot.

NOW THEREFORE, the Parties stipulate as follows:

1. Plaintiff Halaburda withdraws her pending Motion for Class Certification (Dkt. No. 10);
2. The November 14, 2012 motion hearing is vacated; and
3. Former-Plaintiff Deborah Kinder's pending Motion for Class Certification (Dkt. No. 2) is withdrawn and/or stricken as moot.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: September 19, 2012

Cindy Halaburda, individually and on behalf of all other similarly situated,

By: /s/ Ari J. Scharg
One of Plaintiff's Attorneys

Chrstine E. Ficks
BODMAN PLC
6th Floor at Ford Field
1901 St. Antoine Street

Detroit, Michigan 48226
Tel: (313) 393-7561
cficks@bodmanlaw.com

Ari J. Scharg
EDELSON MCGUIRE, LLC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: (312) 589-6370
ascharg@edelson.com

Counsel for Plaintiff Halaburda and the putative class

Dated: September 19, 2012

Bauer Publishing Co., LP

By: /s/ Herschel P. Fink
One of Defendant's Attorneys

Herschel P. Fink
HONIGMAN MILLER SCHWARTZ AND COHN LLP
660 Woodward Avenue, Suite 2290
Detroit, Michigan 48226
Tel: (313) 465-7400
Fax: (313) 465-7401
hfink@honigman.com

Counsel for Defendant Bauer Publishing Co., L.P.